

Public Chapter 411

SENATE BILL NO. 1009

By Gilbert, Atchley

Substituted for: House Bill No. 1501

By Rinks, Bittle, McDaniel

AN ACT To amend Tennessee Code Annotated, Title 69, Chapter 10, by creating the Comprehensive Boating Safety Act of 1997 relative to titling and registration of vessels and vessel trailers, certificates of number of vessels, and vessel operator licenses and attendant fees.

WHEREAS, The Tennessee Wildlife Resources Agency is charged with the duty and the responsibility to administer the provisions of the Boating Safety Act of 1965; and

WHEREAS, The Tennessee Wildlife Resources Commission is charged with approving plans and the budget to carry out the intent of the act; and

WHEREAS, The thirteen members of the Tennessee Wildlife Resources Commission create a diverse structure designed to provide substantial oversight by both the executive and the legislative branches of government; and

WHEREAS, This diversity is exhibited in that the membership includes the Commissioner of the Department of Agriculture; the Commissioner of the Department of Environment and Conservation; nine members of the general public appointed by the Governor and confirmed by the House Conservation and Environment Committee and the Senate Energy and Natural Resources Committee and by joint resolution of the General Assembly; one member appointed by the Speaker of the Senate; and one member appointed by the Speaker of the House; and

WHEREAS, For various reasons which include safety and economics, other states have developed programs dealing with titling and registration of vessels and vessel trailers, certificates of number of vessels and vessel operator licenses; and

WHEREAS, It is in the best interest of the State of Tennessee that the Tennessee Wildlife Resources Commission be authorized to develop through rules and regulations such programs along with fees to defray the costs for the Tennessee Wildlife Resources Agency to administer and enforce the programs; and

WHEREAS, Such rules and regulations would be subject to the oversight provisions as contained within the rulemaking and publications part of the Uniform Administrative Procedures Act as contained within Tennessee Code Annotated, Section 4-5-201 et seq.; and

WHEREAS, Any portion of such rules and regulations dealing with fees would require approval of the appropriate committee as designated within the rulemaking and publications part of the Uniform Administrative Procedures Act prior to their becoming effective; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be cited as the Comprehensive Boating Safety Act of 1997.

SECTION 2. The commission shall study the feasibility of establishing programs for the titling and registration of vessels and boat trailers and the feasibility of establishing a program for licensure of vessel operators. The feasibility study shall be done in consultation with interested persons and entities such as the county clerks, the marine and boat trailer manufacturing industry, the insurance industry, the lending industry, the boating public and others. Such commission shall report its findings and recommendations, including the cost of such programs and proposed regulations and legislation to implement such programs, prior to January 15, 1998, to the Senate Environment, Conservation and Tourism Committee and the House Conservation and Environment Committee.

SECTION 3. Tennessee Code Annotated, Section 69-10-207, is amended by adding the following new subsection (e) and by redesignating subsequent subsections accordingly:

(e) The fees levied pursuant to subsection (d) prior to the effective date of this act shall continue to be levied as provided in such subsection. The commission is authorized to adjust such fees by regulation in such amount as may be necessary to administer the provisions of this chapter; provided, however, the percentage increase for any such fee adjustment shall not exceed the percent of increase in the average consumer price index (all items-city average) as published by the United States Department of Labor, Bureau of Labor Statistics, since the last change in such fees. The Tennessee Wildlife Resources Commission shall report to the House Conservation and Environment Committee and the Senate Environment, Conservation and Tourism Committee on the adjustment of any such fees and shall obtain the approval of both such committees prior to the submission of proposed regulations to increase such fees. All such fees, and any adjustments thereto, shall be deposited in the wildlife resources fund and shall be expended solely for the administration and operation of the commission's programs and responsibilities authorized pursuant to this chapter. The Tennessee Wildlife Resources Commission shall report to the House Conservation and Environment Committee and the Senate Environment, Conservation and Tourism Committee on the structure of additional fees prior to the submission of proposed regulations to increase such fees.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

